



To: Senior Petitions Attorney, Christina Tartera Donnell

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Brucker et al</b>
<b>Application No.:</b>	<b>10/083,711</b>
<b>Filed:</b>	<b>February 26, 2002</b>
<b>For:</b>	<b>Bifurcated Stent and Delivery System</b>

<b>Group Art Unit:</b>	<b>3738</b>
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To: Senior Petitions Attorney  
Christina Tartera Donnell  
Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Docket No.: S63.2-10306

TRANSMITTAL LETTER

RECEIVED  
DEC 30 2002

1. In regard to the above-identified application, we are submitting the attached: **2 pg Request for Reconsideration; 2 pg Declaration of Facts in Support of Filing on Behalf of Omitted Inventor; 4 separate Declarations; VAS Transmittal Letter; and Postcard.**
2. With respect to fees:
  - ☒ No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.

OFFICE OF PETITIONS

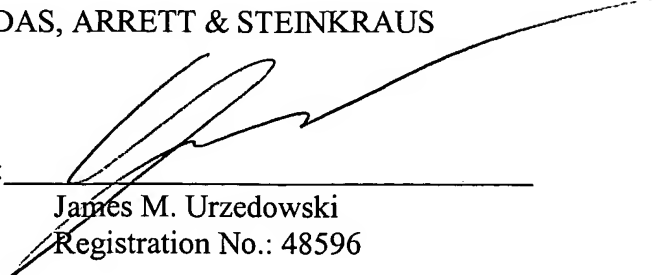
Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 18, 2002

By: \_\_\_\_\_

  
James M. Urzedowski  
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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to To: Senior Petitions Attorney, Christina Tartera Donnell, Box DAC, Commissioner for Patents Commissioner for Patents, Washington D.C. 20231, on December 18, 2002.

  
Julie Emerson

DAE

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ATTENTION: Senior Petitions Attorney  
Christina Tartera Donnel

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Inventor(s):</b>	Brucker et al.
<b>Title:</b>	BIFURCATED STENT AND DELIVERY SYSTEM
<b>I.A. Filing Date:</b>	February 26, 2002
<b>Ser. No.</b>	10/083,711

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**Attorney's Docket No. S63.2-10306**

**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor  
(37 CFR 1.47(a))**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the assignee's attorney having knowledge of the facts recited herein.

**Identification Of Person Making This Declaration Of Facts**

Name of declarant: James M. Urzedowski  
  
Address of declarant: Vidas, Arrett & Steinkraus, P.A.  
6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343  
  
Title of declarant: Attorney

**Last Known Address Of The Omitted Inventor**

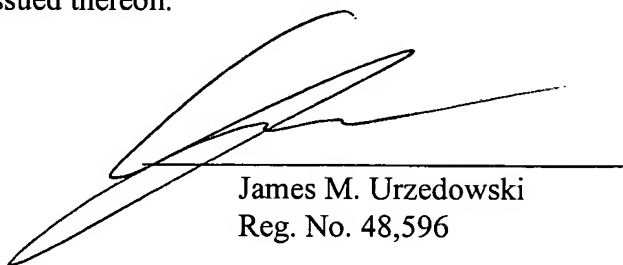
Name of omitted inventor: Enrique Malaret  
  
Last known address: 4935 Balsam Lane North  
Plymouth, MN. 55442

**Details Of Efforts To Reach Omitted Inventor**

1. The omitted inventor, Enrique Malaret, signed a Consulting Agreement with Assignee Boston Scientific, Scimed, Inc, (Scimed Life Systems Inc.), on December 20, 2000, wherein Mr. Malaret acknowledged that he would aid the Assignee in filing patents or obtaining other protection on any ideas, inventions, improvements or suggestions arising from his performance as a consultant to the Assignee.
2. The subject matter of the above identified Application as well as related Applications 10/084,766 and 10/083,707 arose in part from Mr. Malaret's performance as a consultant during the term of the Consulting Agreement.
3. Following the filing of the present Application, I received a Notice to File Missing Parts under 37 CFR 1.53(b) mailed April 3, 2002 requiring the declaration of the inventors by June 3, 2002, or later with a petition for extension pursuant to 37 CFR 1.136(a).
4. On May 1, 2002 I sent to Mr. Malaret and a copy of the Application, including the specification, claims and drawings as filed, for his review. Along with the Application, I sent Mr. Malaret an Assignment, Declaration and a letter requesting that he sign the Declaration and Assignment that I had included therewith. Upon hearing no response by the date I had requested, I sent Mr. Malaret follow-up letters on May 23, 2002, and June 4, 2002.
5. Shortly after the letter of June 4th was sent by certified mail, I was notified by an attorney who claimed to represent Mr. Malaret that due to an existing disagreement between Mr. Malaret and the Assignee, Mr. Malaret was refusing to sign the Declaration or Assignment.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

12/18/02

  
James M. Urzedowski  
Reg. No. 48,596